

**From:** Raphael Fleishman  
**To:** Microsoft ATR  
**Date:** 1/25/02 1:40pm  
**Subject:** Microsoft Settlement

I am writing under the Tunney Act concerning the proposed Microsoft Settlement (United States v. Microsoft Corp., Civil No. 98-1232).

I believe the settlement is unfair as it will not serve to end Microsoft's unlawful conduct and does not adequately protect competitors, VARs, and OEMs against retaliatory or future anti-competitive action by Microsoft. The spirit of the Sherman Antitrust Act, particularly those clauses of which Microsoft was convicted of violating, is to protect consumers by protecting competition. I believe the burden rests on Microsoft to prove to the courts that adequate anti-monopolist protection is being provided.

I have co-signed a petition which details my position in greater detail, and am writing this to officially note my opinion as allowed by the Tunney Act.

Thank you very much,

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